

**To:** StClair, Christie[StClair.Christie@epa.gov]  
**From:** EOC\_Manager,  
**Sent:** Tue 9/22/2015 10:55:46 PM  
**Subject:** Re: PRESS RELEASE: Westerman Files Complaint Against EPA Over Gold King Mine Disaster

Christie - Lee will be back on the EOC by 0800 tomorrow as the Watch Officer.

Let me know if that does not work for your timing.

Eugene

Sent from my iPhone

On Sep 22, 2015, at 6:23 PM, StClair, Christie <StClair.Christie@epa.gov> wrote:

Lee -

**Attorney Client/Ex. 5**

**Christie St. Clair**

Office of Public Affairs

Environmental Protection Agency

o: 202-564-2880

m: 202-768-5780

On Sep 22, 2015, at 6:20 PM, "Ostrander, David" <Ostrander.David@epa.gov> wrote:

**Deliberative Process/Ex. 5**

**From:** StClair, Christie  
**Sent:** Tuesday, September 22, 2015 4:17 PM  
**To:** Deitz, Randy  
**Cc:** Ostrander, David; Mahmud, Shahid; Stalcup, Dana; Bressler, Lindsey; EOC OGC; Tyner, Lee; Cohen, Nancy; Bassler, Rachel; EOC Solid Waste; Salo, Earl; Purchia, Liz; EOC\_Manager,; Openchowski, Charles; Williams, Laura  
**Subject:** Re: PRESS RELEASE: Westerman Files Complaint Against EPA Over Gold

King Mine Disaster

David - **Deliberative Process/Ex. 5**

**Christie St. Clair**

Office of Public Affairs

Environmental Protection Agency

o: 202-564-2880

m: 202-768-5780

On Sep 22, 2015, at 5:53 PM, "Deitz, Randy" <[Deitz.Randy@epa.gov](mailto:Deitz.Randy@epa.gov)> wrote:

**Attorney Client/Ex. 5**

**Attorney Client/Ex. 5**

Randy Deitz

Attorney Advisor

Office of Solid Waste and Emergency Response

(202) 566-0197


**From:** Ostrander, David  
**Sent:** Tuesday, September 22, 2015 5:34 PM  
**To:** Mahmud, Shahid; StClair, Christie  
**Cc:** Stalcup, Dana; Deitz, Randy; Bressler, Lindsey; EOC OGC; Tyner, Lee; Cohen, Nancy; Bassler, Rachel; EOC Solid Waste; Salo, Earl; Purchia, Liz; EOC\_Manager,; Openchowski, Charles; Williams, Laura  
**Subject:** RE: PRESS RELEASE: Westerman Files Complaint Against EPA Over Gold King Mine Disaster

## Deliberative Process/Ex. 5

**From:** Mahmud, Shahid  
**Sent:** Tuesday, September 22, 2015 3:22 PM  
**To:** StClair, Christie; Ostrander, David  
**Cc:** Stalcup, Dana; Deitz, Randy; Bressler, Lindsey; EOC OGC; Tyner, Lee; Cohen, Nancy; Bassler, Rachel; EOC Solid Waste; Salo, Earl; Purchia, Liz; EOC\_Manager,; Openchowski, Charles; Williams, Laura  
**Subject:** Re: PRESS RELEASE: Westerman Files Complaint Against EPA Over Gold King Mine Disaster

Christie,

## Deliberative Process/Ex. 5

 Thanks!

Shahid Mahmud  
Team Leader  
EPA Abandoned Mine Lands Team  
703-603-8789

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**From:** StClair, Christie  
**Sent:** Tuesday, September 22, 2015 5:08 PM  
**To:** Ostrander, David  
**Cc:** Stalcup, Dana; Deitz, Randy; Bressler, Lindsey; EOC OGC; Tyner, Lee; Mahmud, Shahid; Cohen, Nancy; Bassler, Rachel; EOC Solid Waste; Salo, Earl; Purchia, Liz; EOC\_Manager,; Openchowski, Charles; Williams, Laura  
**Subject:** Re: PRESS RELEASE: Westerman Files Complaint Against EPA Over Gold King Mine Disaster

## Deliberative Process/Ex. 5

**Christie St. Clair**

Office of Public Affairs

Environmental Protection Agency

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m: 202-768-5780

On Sep 22, 2015, at 4:57 PM, "Ostrander, David"  
<[Ostrander.David@epa.gov](mailto:Ostrander.David@epa.gov)> wrote:

## Deliberative Process/Ex. 5

Thanks

**From:** StClair, Christie  
**Sent:** Tuesday, September 22, 2015 2:28 PM  
**To:** Stalcup, Dana  
**Cc:** Deitz, Randy; Bressler, Lindsey; EOC OGC; Tyner, Lee; Mahmud, Shahid; Cohen, Nancy; Bassler, Rachel; EOC Solid Waste; Salo, Earl; Purchia, Liz; EOC\_Manager,; Openchowski, Charles; Ostrander, David; Williams, Laura  
**Subject:** Re: PRESS RELEASE: Westerman Files Complaint Against EPA Over Gold King Mine Disaster

Plus Charles, David and Laura so we are all on the same page.

**Attorney Client/Ex. 5**

Looking for agreement or alternatives, please.

**Christie St. Clair**

Office of Public Affairs

Environmental Protection Agency

o: 202-564-2880

m: 202-768-5780

On Sep 22, 2015, at 4:08 PM, "Stalcup, Dana" <[Stalcup.Dana@epa.gov](mailto:Stalcup.Dana@epa.gov)> wrote:

**Attorney Client/Ex. 5**

# Attorney Client/Ex. 5

Just a suggestion....

Dana Stalcup

Director, Assessment and Remediation Division

OSWER/Office of Superfund Remediation and Technology Innovation  
(OSRTI)

Desk – 703-603-8702

Cell – 202-309-5473

**From:** StClair, Christie

**Sent:** Tuesday, September 22, 2015 4:01 PM

**To:** Deitz, Randy

**Cc:** Bressler, Lindsey; EOC OGC; Tyner, Lee; Stalcup, Dana;  
Mahmud, Shahid; Cohen, Nancy; Bassler, Rachel; EOC Solid Waste;  
Salo, Earl; Purchia, Liz; EOC\_Manager,

**Subject:** Re: PRESS RELEASE: Westerman Files Complaint Against  
EPA Over Gold King Mine Disaster

Randy,

# Attorney Client/Ex. 5

Does that work from your perspective?

Earl or Lee, your thoughts?

Christie

**Christie St. Clair**

Office of Public Affairs

Environmental Protection Agency

o: 202-564-2880

m: 202-768-5780

On Sep 22, 2015, at 2:17 PM, "Deitz, Randy" <[Deitz.Randy@epa.gov](mailto:Deitz.Randy@epa.gov)>  
wrote:

**Attorney Client/Ex. 5**

Randy Deitz

Attorney Advisor

Office of Solid Waste and Emergency Response

(202) 566-0197

**From:** Bressler, Lindsey

**Sent:** Tuesday, September 22, 2015 2:01 PM

**To:** StClair, Christie; EOC OGC; Tyner, Lee; Stalcup, Dana; Mahmud, Shahid; Deitz, Randy; Cohen, Nancy; Bassler, Rachel; EOC Solid Waste

**Cc:** Purchia, Liz; EOC\_Manager,

**Subject:** RE: PRESS RELEASE: Westerman Files Complaint Against EPA Over Gold King Mine Disaster

Hi all,

Below is a transcript of Administrator McCarthy's responses to questions about engineering from Rep. Bruce Westerman (R-Arkansas), Jody Hice (R-Texas) and Scott Tipton (R-Colorado) in the House Oversight & Government Reform Committee and House Natural Resources Committee Joint Hearing on September 17. Answers are a transcript, questions are summarized by me.

Link to the video: <http://www.c-span.org/video/?328136-1/epa-administrator-gina-mccarthy-testimony-gold-king-mine-wastewater-spill>

*Jody Hice, R-Texas*

**Is the expertise limited to internet resources at Google?**

"The On Site Coordinator has extensive mining and engineering expertise and we worked with the Colorado Division of Reclamation in Mining and Safety who have considerable as well, including in that area."



*Bruce Westerman, R-Arkansas*

**Would the activities conducted at the GK site require engineering design?**

"I'm sorry sir, I don't know whether I'm qualified to answer that question but I'll certainly respond if you'd like me to.

**Do you agree that the activities conducted at the GK site require engineering design work?**

"I'm well aware that there was a work plan involving a significant number of engineering expertise. What you asked me was the exact actions at the site. I'm not prepared to answer that portion of the question."

**You said that the OSC had significant mine engineering experience and that there was significant expertise involved in the plan?**

"That was my understanding."

"Yes, that's correct."

**Did a professional engineer design or stamp drawings at the Gold King site?**

"I'm happy to follow up on that, I can't that answer the question at this time."

**Who is this person [the OSC coordinator]?**

"I don't have his individual name sir."

**Do you know his credentials?**

"I don't have his bio in front of me, sir, but I do know that the work plan itself wasn't developed at the site. It was developed with the State of Colorado after significant public input from the Animas River Stakeholders Group."

**You should have had a professional design person in charge of this to stamp the drawings.**

"I am suggesting I can't answer your question at this point but I am happy to follow up."

*Scott Tipton, R-Colorado*

**How many mining engineers does EPA employ?**

"I can't answer that right now sir."

**Do you know if there are any?**

"I know we have a mining team that works on these issues."

**From:** StClair, Christie

**Sent:** Tuesday, September 22, 2015 12:58 PM

**To:** EOC OGC; Tyner, Lee; Stalcup, Dana; Mahmud, Shahid; Deitz, Randy; Cohen, Nancy; Bassler, Rachel; EOC Solid Waste

**Cc:** Purchia, Liz; EOC\_Manager,; Bressler, Lindsey

**Subject:** Fwd: PRESS RELEASE: Westerman Files Complaint Against EPA Over Gold King Mine Disaster

## Deliberative Process/Ex. 5

## Deliberative Process/Ex. 5

Christie

**Christie St. Clair**

Office of Public Affairs

Environmental Protection Agency

o: 202-564-2880

m: 202-768-5780

Begin forwarded message:

**From:** "Lyon, John" <[jlyon@arkansasnews.com](mailto:jlyon@arkansasnews.com)>

**Date:** September 22, 2015 at 12:47:49 PM EDT

**To:** Press <[press@epa.gov](mailto:press@epa.gov)>

**Subject: Fwd: PRESS RELEASE: Westerman Files  
Complaint Against EPA Over Gold King Mine Disaster**

Would the agency care to comment on the allegation below by U.S. Rep. Bruce Westerman that no Colorado-licensed engineer was involved in the Gold King Mine reclamation project and that this violated Colorado law?

John Lyon, reporter

Arkansas News Bureau  
501-786-4306

----- Forwarded message -----

From: **Representative Bruce Westerman**

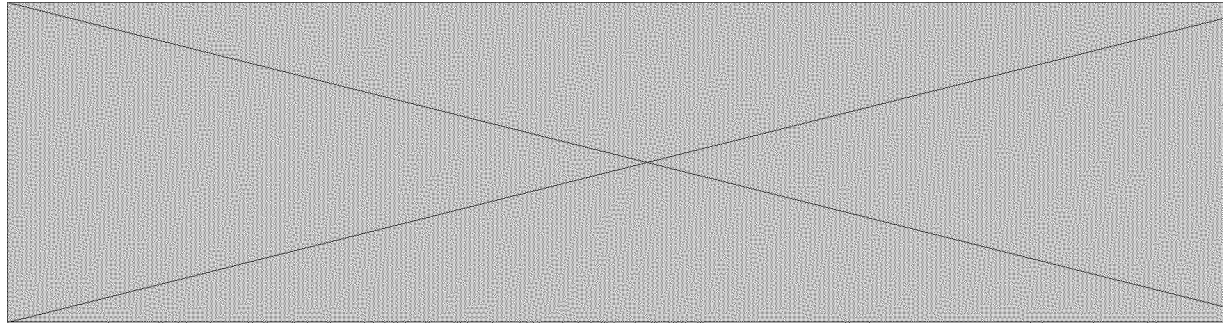
<[AR04BWIMA@mail.house.gov](mailto:AR04BWIMA@mail.house.gov)>

Date: Tue, Sep 22, 2015 at 10:56 AM

Subject: PRESS RELEASE: Westerman Files Complaint  
Against EPA Over Gold King Mine Disaster

To: [jlyon@arkansasnews.com](mailto:jlyon@arkansasnews.com)

News from Congressman Westerman



## **Westerman Files Complaint Against EPA Over Gold King Mine Disaster**

### **FOR IMMEDIATE RELEASE**

September 22, 2015

**Contact:** Ryan Saylor – (202) 225-3772; [ryan.saylor@mail.house.gov](mailto:ryan.saylor@mail.house.gov)

**WASHINGTON** – On Monday (September 21), **Congressman Bruce Westerman (AR-04)** filed an official complaint with the Colorado Department of Regulatory Agencies, Division of Professions and Occupations, regarding the August 5, 2015 **Gold King Mine disaster**.

Westerman, a professional engineer, said he believed the Environmental Protection Agency had been involved in the “practice of engineering” as defined by Colorado state law and were not competent or licensed to practice engineering.

“Because the EPA has not demonstrated a Colorado licensed professional engineer was engaged during the planning and design stages nor part of the Site Removal Team that was responsible for the Gold King Mine spill, the EPA was in direct violation of the Colorado statute, and should be subject to the same consequences any other entity in violation of this law would face.”

**Westerman’s complaint said.** “I believe the spill could have been prevented, or at the very least, significantly mitigated, if the EPA had followed the engineering practice laws established to safeguard life, health, and property and to promote the public welfare.”

He went on to say the "EPA's own review affirms my belief that those conducting the work had not adequately designed a reclamation plan that safeguarded life, health, and property causing significant damage to public resources. A licensed professional engineer would have reviewed risk factors and carefully designed an appropriate solution in order to avoid such an incident."

The Gold King Mine disaster was caused after workers at the site near Silverton, Colorado, unearthed an underground chamber sending toxic waste into nearby waterways. Three million gallons was spilled as a result, polluting rivers in Colorado and New Mexico.

During questioning under oath, EPA Administrator Gina McCarthy avoided answering Westerman's questions regarding the use of engineers in the design phase of the Gold King Mine reclamation undertaken by the EPA.

"Because the EPA and EPA Administrator McCarthy have repeatedly avoided answering whether a licensed engineer was involved in the planning process or was present at the mine when the incident occurred and have also failed to provide any engineering drawings or design documents, I am filing this complaint to spur the EPA into action and to prevent another incident like this from occurring," **Westerman said.** "The EPA is not above the law and they, nor any other federal agency, should blatantly ignore state laws put in place to safeguard life, health, and property and to promote public welfare."

A member of the House Committee on Natural Resources and the House Committee on Space, Science, and Technology, Westerman is a professional engineer with over 22 years of private engineering practice.

**Document:** [Division of Professions and Occupations Complaint Form \(.pdf\)](#)

**Document:** [Official Complaint with Colorado Department of Regulatory Agencies, Division of Professions and Occupations \(.pdf\)](#)

**Video:** [EPA Administrator McCarthy Can't Answer Questions from Congressman Bruce Westerman \(YouTube\)](#)

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and delete this message. Thank you for your cooperation.